ORDINANCE #2, SERIES 1968

Amending

ORDINANCE #11, SERIES 1963

An ordinance amending Ordinance #11, Series 1963, of the City of Elgin, Oregon, which ordinance is commonly known as the "Zoning Ordinance" of the City of Elgin, by amending Part 2, Section 14, and declaring an emergency.

The City of Elgin ordains as follows:

SECTION 1: Ordinance #11, Series 1963 of the City of Elgin, Oregon, be, and the same is amended as to part 2, Section 14 thereof as follows: Definition of Animal Husbandry; "Animal Husbandry is the branch of Agriculture which includes the raising and keeping of stock, the feeding, breeding and fattening of animals, dairying and poultry raising."

SECTION 2: Whereas the peace, health and safety of the City of Elgin is involved and in order to properly safeguard the same, there is and now exists the necessity and emergency of immediate regulation as hereinabove provided; now, therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and the approval by the Mayor.

PASSED by the City Council this 12 day of Mar, 1968.

APPROVED by the Mayor this 12 day of Mar, 1968.

R. K. Wiles
Mayor

ATTESTED and filed this 12
day of Mar, 1968

Ron Scoubes
City Recorder

DWELLINGS, TWO FAMILY. A two family dwelling is a building used or arranged for use as the home or abode of but two families, living independently of each other, and in which not more than five boarders or lodgers shall be accommodated by each family.

DWELLINGS, MULTIPLE FAMILY. A multiple family dwelling is a building used or arranged for use as the home or abode of three or more families, living independently of each other and doing their own cooking in said building and shall include flats and apartments.

FAMILY. An individual, or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.

GARAGE, PRIVATE. A private garage is a garage for not more than three automobiles, for storage only, and intended for private use, but in which space may be rented for storage only of not more than two non-commercial automobiles, by other than the occupants of the buildings to which such garage is accessory.

GARAGE, PUBLIC. A building other than a private garage used for the care, repair, parking, or storage of automobiles.

HALF STORY. A half story is a story of a building which is situated within a sloping roof, the usable floor area of which does not exceed two-thirds of the floor area of the story immediately below it.

LOT. A lot is a parcel of land in a single or joint ownership, occupied by not more than one building and the accessory buildings or uses customarily incident to it, including open spaces required herein.

LOT LINE, FRONT. The private property contiguous with the public street line. For corner lots the front lot line shall be the narrowest street frontage or as shown on the recorded subdivision.

NON-CONFORMING BUILDING OR USE. A non-conforming building or use is one that does not conform with the regulations provided herein for a given use district.

PARKING AREA, AUTOMOBILE: Space within a public parking area, or a building, exclusive of driveways, ramps, columns, office, and work areas, for the temporary parking or storage of one automobile of standard size.

PARKING AREA, PUBLIC. Privately or publicly owned property, other than streets or alleys, used for the parking of four or more automobiles and open for public use, whether free, for accommodation of clients or customers, or for hourly, daily, or monthly rental fees.

STREET LINE. The street line is the dividing line between the street and the lot.

YARD, FRONT. A front yard is an open, unoccupied space on the same lot with a building, between the front line of the building and the street line of the lot, unobstructed upward.

YARD, REAR. A rear yard is an open, unoccupied space on the same lot with a building, between the rear line of the building and the rear line of the lot, unobstructed upward.

YARD, SIDE. A side yard is an open unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from the street to the rear yard, or where no rear yard is required, to the rear line of the lot.

PART III

Section 15:
USE DISTRICTS. For the purpose of this ordinance, the City of Elgin is hereby divided into three types of districts designated as follows:

1. Residential District.
2. Commercial District.
3. Industrial District.

The boundaries of those districts are hereby established as shown on the official zoning map of the City of Elgin, Oregon, which accompanies this ordinance and is on file in the office of the Recorder. The east boundary line of the City of Elgin is:

(The West bank of the Grande Ronde River at low water mark.)

Unless otherwise shown on the zoning map of the City, boundaries of the district are lot lines, center lines of streets and alleys, and railroad right-of-way lines as they exist at the time of the enactment of this ordinance.

Section 16:
RESTRICTIONS WITHIN DISTRICTS OR ZONES.

A. Residential Districts. In the residential district, no building or premises shall be used, and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this ordinance except for one or more of the following uses:

1. One and Two Family Dwellings
   Multiple Dwellings
2. Hospitals
3. Churches
4. Parks and Playgrounds
5. Libraries, Museums and Art Galleries
6. Uses accessory to dwellings
   (a) Private garages as separate buildings, garages attached to or within buildings.
   (b) The office of a physician, dentist, or other professional person when located in his or her dwelling.
   (c) Home occupations engaged in by individuals within their dwelling provided they do not occupy accessory buildings on the same lot.
   (d) The renting of rooms including boarding for the accommodation of not to exceed five persons, in a single family dwelling is permitted.
7. Public buildings such as fire stations, pump stations, schools and community centers.
8. Gardening and raising of fruit is permitted.
9. Special uses. Special permits are required from the City Planning Commission for the following uses:
   (a) Circuses, fairs and carnivals.
   (b) Nursery or greenhouses.
   (c) Telephone exchange.
   (d) Electric substation.
10. Neighborhood grocery stores.
11. Yard requirements: In the residential district, the following minimum yard requirements shall prevail:
   (a) Front yard: Twenty (20) feet deep from lot line to any structure.
   (b) Rear yard: [redacted]five (15) feet deep from lot line to any dwelling.
   (c) Side yard: There shall be a side yard of not less than five (5) feet in width on each side of any building or structure.

See Ordinance No 15 Series 1963

12. Site area requirements. In the residential district, the following minimum site requirements shall prevail:

(a) Single family dwelling units.....5000 square feet.
(b) Two family dwelling units.....7500 square feet.
(c) Three or more dwelling units:
per unit additional over 7500 sq. ft.....1000 square feet.

B. Commercial District. In the Commercial District no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance except for one or more of the following uses:

Any use permitted in the Residential District.
Boarding houses and lodging houses.
Educational and charitable institutions.
Hospitals and sanitariums, except those for the insane and similar special use.
Hotels, motor courts.
Nurseries and greenhouses.
Private clubs, lodges and fraternities.
Public garages, service stations.
Recreational enterprises.
Retail stores and shops including service establishments.
Wholesale establishments and warehouses, providing that facilities for loading and unloading trucks, automobiles and vehicles of conveyance must be provided within the confines of the property boundaries of such establishments and warehouses, to the extent that all loading and unloading of goods, wares, merchandise, equipment and other personal property shall be conducted outside the boundaries of city streets.

C. Industrial District. In the Industrial District, all buildings and premises, except as otherwise provided in this ordinance may be used for any purpose permitted in the business district and any other purposes except those uses which have been declared nuisances by statutes or ordinances, by any court of competent jurisdiction, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise, sawdust, soot, or vibrations, provided that the City Council shall have the power, upon recommendation of the Planning Commission, to grant conditional and revocable permits for any such use within the industrial district after public hearing and examinations of the location, upon due proof to the satisfaction of the City Council that the maintenance of such use will not be unduly detrimental to adjacent and surrounding property, except the following which are absolutely prohibited:

1. Abattoir.
2. Acid Manufacture
3. Cement, lime, gypsum or plaster of paris manufacture.
4. Distillation of bones.
5. Explosives, manufacture or storage.
6. Fat rendering.
7. Fertilizer manufacture.
8. Garbage, offal or animal reduction or dumping.
9. Gas manufacture.
10. Glue manufacture.
11. Petroleum refining.
12. Smelting of tin, copper, zinc or iron ores.
13. Stock yards and/or feed yards.
14. Tannery.
15. Storage or baleing of rags, hides, paper, iron or junk.
16. Used car junk areas.
17. Animal husbandry.
18. Other uses excluded from the City of Elgin by ordinance.

PART IV

Section 17:
REDUCTION IN AREA OF LOTS. No lot shall be reduced in area so that yards less than the minimum required under this ordinance shall result.

Section 18:

ONLY ONE PRINCIPAL BUILDING ON ANY LOT. No dwelling shall be erected on a lot which does not abut at least one street. No building in the rear of a principal building on the same lot may be used for residential purposes, except for employment of the occupants of the principal building and their immediate families.

Section 19:

YARD SPACES SHALL NOT OVERLAP. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required under this ordinance for another building.

Section 20:

LOT OF RECORD EXEMPTION. Where the owner of a lot or lots of official record at the time of the enactment of this ordinance does not own sufficient space in said lot or lots to enable him to conform to the yard and other requirements of this ordinance, such lot or lots may be used as a building site, provided, that the yard space and other requirements shall conform as closely as possible in the opinion of the Planning Commission to the requirements for the district in which the property is located.

Section 21:

FRONT YARDS. The front yard requirements of this ordinance shall not apply within any district where the average depth of the existing front yard on developed lots, located within 100 feet on each side of the lot and within the same block and zoning district and fronting on the same street as such lot, is greater or less than the minimum required front yard depth. In such cases the depth of the front yard on such lots shall not be less than the average existing front yard depth on the developed lots.

Section 22:

EXISTING BUILDINGS AND NON-CONFORMING USES. When a property or an existing building at the time of the passage of this ordinance, has a use which was legal prior to the passage of this ordinance, such may continue, even though it be not in conformity with the zoning regulations. If, however, the use of the building or premises is changed, it shall be changed to a use conforming to the zoning regulations and after such change, it will not be permissible to change back again to the original non-conforming use. A non-conforming use shall not be extended, but the extension of a use to any portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this ordinance, shall not be deemed the extension of a non-conforming use. If a non-conforming use be discontinued for a period of ninety (90) days, the same cannot be again continued.

A building arranged, designed or devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost during the lifetime of the building 50% of the value of the building, unless the use of such building be changed to a conforming use.

A non-conforming use, if changed to a more restricted non-conforming use, shall not thereafter be changed to a less restricted use.

When a building having a non-conforming use is damaged by fire or other causes so that the total deterioration exceeds 50% of the cost of replacing the building using new materials, then such building shall not be rebuilt unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the City as applied to new buildings and uses in the district in which it is to be located. In such rebuilding for non-conforming use, the building must be kept within the old foundation. When a building having a non-conforming use is damaged by fire or other cause to an extent which will permit rebuilding, such construction must commence within ninety (90) days of date of damage and be completed within six (6) months of such date if use is to continue as a non-conforming use.

Buildings moved. No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this ordinance relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved.

Section 23:

COMPLETION OF BUILDINGS. Nothing in this ordinance shall require any change in the plans, construction, alteration or designated use of a building upon which construction was actually begun thirty (30) days previous to the passage of this ordinance and the ground foundation framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction.

Section 24:

WHEREAS the peace, health and safety of the City of Elgin is involved and in order to properly safeguard the same, there is and exists the necessity and emergency of immediate regulation as hereinabove provided; now, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage thereof and the approval by the Mayor.

PASSED by the City Council this 17th day of September, 1963.

APPROVED by the Mayor this 17th day of September, 1963.

Leona C. Spikes
Mayor

ATTESTED and filed this 17th
day of September, 1963.

Ethel Hunt
City Recorder